



DISTRICT COURT OF MARYLAND

ALTERNATIVE DISPUTE RESOLUTION (ADR) OFFICE

AGREEMENT WRITING CHECKLIST

ADR Practitioner: To ensure that the document is a valid record of the participants' agreement, we offer the following guidance with respect to agreement writing. Please make sure the following basic points are covered during the agreement-writing phase.

1. Best Practices:

- ★ Commit all elements of the agreement to writing
- ★ Use the participant's words; not your own
- ★ Number each sentence
- ★ Identify mutually agreed upon terms
- ★ Use plain language – No legal jargon
- ★ One sentence = One paragraph

2. Include Specific Terms:

- a. **Why** are the participants agreeing to these terms?
“To settle case #123-4567, the participants voluntarily agree to....”
- b. **Who** are the participants?
Write out the full names of the Plaintiff(s) and Defendant(s). Simply writing “plaintiff” and “defendant” may result in mistakes or misunderstandings.
- c. **What** is each party agreeing to?
Avoid statements that refer to some uncertain future activity.
Be clear and specific about terms, and refrain from using non-specific words such as “soon” and “reasonable.” For example, “Defendant agrees to personally deliver the payment by July 15, 2013.”
Be specific about the form of payment (i.e., cash, check, cashier's check, money order, etc.).
Write out exact dollar amounts. For example, “...agrees to pay \$250.00 (two hundred fifty dollars)...”
- d. **When** will the participants perform what they agreed to?
“Defendant agrees to pay \$100.00 (one hundred dollars) every Monday, starting July 1, 2013 until the amount of \$1,000.00 (one thousand dollars) is paid in full.”
- e. **Where** will performance of the agreement terms be conducted?
Indicate the exact address where payment will be delivered or performance will be rendered.

3. Case disposition:

What do the participants want to happen with their current case?
Use the participant's own words. Some examples:

- a. End the case (dismiss) with no continuing obligations on either party.
- b. End the case (dismiss) only if and after each party has completed the obligations included in the settlement agreement, with the ability to come back to court if that does not happen.



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4. Review and Reality Test:

Check in to make sure you have included all points of the agreement reached by the participants.
Ask the participants if they can satisfy the terms of the agreement.

5. Completing the Agreement:

Read the agreement to the participants and make changes as requested. Participants should initial any changes.

If the agreement is more than one page, all participants initial each page, and sign and date the last page. Include “page 1 of # pages,” at the bottom of the first page, and continue in similar manner until the end of the agreement (if applicable).

Participants always sign and date the document on the last page of the agreement.

The ADR Practitioner does NOT sign the agreement.

Cross out all blank lined areas on a page. For example, “XXXXX.”

6. Form Distribution:

Return the **white copy** of the Settlement Agreement form **to the courtroom.**

Distribute the **pink and yellow copies** of the form **to the Plaintiff and Defendant.**

Make additional copies as needed so all participants get a copy.